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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,833	12/07/1999	YOSHIKAZU SAKAMOTO	KAW-215-USAP	6984

7590 06/18/2003  
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EXAMINER

HOTALING, JOHN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 06/18/2003

27

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/456,833

Applicant(s)

SAKAMOTO ET AL.

Examiner

John M Hotaling II

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14, 29, 31 and 35-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14, 29, 31 and 35-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3713

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 14, 29, 31, and 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Slomiany** et al US Patent 6,159,098 in view of **Shimizu** et al US Patent 6,227,970 and **Claypole** et al UK Patent Application GB 2,262,642 and **Okada** et al EP 0 875 870. The rejections contained in the prior office actions are maintained and incorporated herein. Slomiany discloses all of the instant application with the exception of displaying the details of the game in the display section of the special game, the game history, game directions, an indication of errors, and "wherein the special game information which is information related to a special game is displayed by figures representing objects and written information presented as a progressing story". The use of start and stop buttons for reels in a slot machine is notoriously well known in the art and the Examiner takes official notice that one of ordinary skill in the art would know that a outcome of a slot machine which results in a special event or high payout could be made at random by the slot machine or stopped by the player selecting a stop button for each reel. Slomiany discloses a slot machine with a second display for displaying a bonus game that may be any type of game that is entered upon the occurrence of a selected event or outcome of the basic game (column 1 lines 32-35). Column 3 lines 23-37 discloses a start switch or lever and using technology well known

Art Unit: 3713

in the art causes the reel to stop in a selected stop position. Column 3 line 49-51 discloses that the payoff amount of certain combinations is predetermined according to a payable which is stored in memory. Column 12 lines 41-53 discloses that the bonus game may be played alone or with a basic game other than a slot machine. In an analogous machine, Shimizu discloses the use of a slot machine in which a sub-display device displays histories of past games and other information is provided. Column 2 lines 52-61 discloses the use of the push button or the touch screen. Column 4 line 51-67 discloses that many differing functions can be assigned to the buttons. Column 5 lines 37-53 discloses displaying in the main display device game history. Column 6 lines 1-4 disclose placing a max bet. Column 6 line 47 – column 7 line 13 and figure 6 discloses that a main menu image is displayed in the sub display device which may include game specification, time and money alarm, and game record and history. In addition, since these functions are not directly relevant to the progress of the game displayed in the main display device operation of these buttons do not effect the progress of the game. It is not disclosed but it is obvious to one of ordinary skill in the art that a multitude of information could be contained under the heading of “Game Specification” including instructions for playing the game. Providing instructions for a user of a game is not uncommon. Column 9 line 37 – column 10 line 11 disclose feature play history, diagnosis, detection, position, details, and a way of fixing the error can be displayed. Column 10 lines 10-30 disclose that a part or the whole of the sub display may be used for advancing the game. In an analogous gaming machine to Claypole a reel type slot machine with a additional cathode ray tube display where the

Art Unit: 3713

screen is used to provide novel features such as a skill game, a video game, an array of identifiable fields, playing card faces etc. Page 6 discloses that the game machine has a special status mode which it may enter either randomly, quasi-randomly and/or in response to certain selected outcomes of the fruit machine game. Pages 7 and 8 disclose that it is another aspect of the further display screen to give information about the game. This might be general advice as to the operation of the machine, game hints, making suggestions to the player relevant to the actual state of the fruit machine. The machine may display on the screen the value of the awards (winnings or credits) accumulated by a player automatically or upon request. The machine may make use of touch screen technology. Page 9 discloses that the screen may be used to display the value of a progressive jackpot or information indicating the operational condition of the machine. In an analogous invention to Okada discloses in columns 3-5 that a secondary display uses various kinds of characters and figures, animations, light flashing on an off, and the like which is a prognostic display that causes the player to anticipate a particular combination on the variable display when the variable display stops. Column 5 discloses "the secondary display displays a plurality of images in a predetermined sequence to provide a progressive story when the variable display indicates it will reach a winning condition if the variable display would display a specific remaining symbol. " As can be seen from figures 6 through figure 27 the secondary display and the applicable parts of the disclosure of Okada clearly shows special game information which is information related to a special game is displayed by figures representing objects and written information presented as a progressing story. Column 22

Art Unit: 3713

advantageously describes what is well known in the art with respect to stop buttons.

With respect to the claim limitations relative to a progressive adventure story please see the progressive story above and Okada column 14 where a cowboy fights with an unruly horse could be construed as an adventure. The reference used in the rejection are equivalent in that they all are related to gaming machines. One of ordinary skill in the art would be motivated to combine the above well known features described in the references using the following motivation of the references: In Slomiany, the bonus game may be played with any basic game and all that is required is that the bonus game is triggered upon the occurrence of a special event or outcome in the basic game (column 12), Shimizu discloses that the operation portion of the game machine is provided with four push button switches that are operated with particular high frequency during the game and that the functions assigned to these switches can be properly changed. The combination of the above references clearly teaches to one of ordinary skill in the art that a player using stop reel buttons and results in a special hit which results in a bonus game and advantageously contains a additional display with game specific information. In addition, one would be motivated to combine these references in order to provide improved communication and information to the user of a game machine as disclosed above and since the references disclose that the information can be displayed in multiple places such as the main display, auxiliary display or both or a combination of displays. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a game machine with a basic game and a bonus game with a screen that is used to display the following; information relevant to

Art Unit: 3713

the playing of the gaming machine including historical information, game information, error indication, and special game information which is information related to a special game is displayed by figures representing objects and written information presented as a progressing story. Additionally it would be apparent to one of ordinary skill in the art that the use of stop buttons to play a main game that are well known can be used for other game functions as taught above.

### ***Response to Arguments***

2. Applicant's arguments filed 3/27/03 have been fully considered but they are not persuasive.

With respect to the applicant's arguments that information relevant to a players bonus mode is made available to the player please see figures 4-6 where graphical information is made available to the player such as win information, and status of the game.

With respect to the bonus game having a second mode entered from the first please see Slomiany where the player plays the bonus game once and if he does not land on the bomb he plays again.

With respect to the progressive story changing along with the game play please see Okada which teaches that that a secondary display uses various kinds of characters and figures, animations, light flashing on an off, and the like which is a prognostic display that causes the player to anticipate a particular combination on the variable display when the variable display stops. Specifically Column 3 lines 25-40

Art Unit: 3713

disclose that the controller decides the particular image that is determined in relation to the control of the variable display. This image includes information relating to the control state corresponding to the various kinds of possible game results, such as win or loss, kinds of wins such as small hit, big hit, or the like. In addition this image includes a game display that is necessary for performing individual or separate games.

Additionally, the image presented by the secondary display varies with the progress of the variation of the variable display. As can be seen by a detailed reading of Okada the progressive story continues based on play of the game. The claim limitation of "a new progressive story may be akin to a new chapter in the story relevant to a game outcome

With respect to the applicant's arguments that none of the references teaches a displayed outcome of each special game please see figures 4-6 of Slomiany.

With respect to the applicant's assertion that claim 14 states that the game is a progressive story in which the player can interact please see above with respect to Claypole where the secondary game is directly controlled by the player.

With respect to the applicant's arguments relative to claim 35 please see the rejection above with respect to Slomiany

With respect to the applicant's assertion that the combination of the reference do not teach the reference as currently claimed please see above.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



Art Unit: 3713

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is 703 305 0780. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703 746 3236 for regular communications and 703 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7777.

John M Hotaling II  
June 16, 2003

